(1) (4)

Simla Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. (S) No.....7216...../2006

PETITIONER: Avinash Gunjal
Aged about 48 years
S/o Shri B.M. Gunjal
Deputy Director
(Industrial Health & Safety)
Department of Labour
Government of Chhattisgarh
R/o House No. D-7-A/
Sri Ramnagar, Phase-I,
P.O. Shankar Nagar, Raipur (C.G.)

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P.R. No. 6727/06
Presented by Shri Bhagat Singh
dated 24-11-06

VERSUS

RESPONDENTS: 1. State of Chhattisgarh
Through Secretary (Labour)
D.K.S. Bhawan, Raipur (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG-2073/06
23/11/06
Bilaspur Chhattisgarh

2. The Labour Commissioner
Govt. of Chhattisgarh
D.K.S. Bhawan, Raipur (C.G.)

3. Mr. K.C. Saroj
Joint Secretary (Labour)
Govt. of Chhattisgarh
D.K.S. Bhawan, Raipur (C.G.)

(5) (2)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:-

XI-HC-78

63

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.(S)...726/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

02.01.2007

Shri D.Shsashidharan, learned counsel for the petitioner.

Shri Sumesh Bajaj, learned G.A. for the State/respondent No.1 & 2.

Heard on admission.

By this petition the petitioner has prayed for quashment of show cause notice dated 21.09.2006/14.11.2006 (Annexure P-7) and for direction to respondent No. 1 & 2 to immediately consider the name of the petitioner for regular promotion as Deputy Director (Industrial Health & Safety).

The case of the petitioner is that he was promoted as Dy. Director (industrial Health & Safety) on adhoc basis vide Annexure P-2 on 11.10.2001. However he has not been confirmed even after more than five years. A show cause notice of Annexure P-7 dated 21.09.2006/14.11.2006 has been issued to the petitioner calling upon to show cause as to why disciplinary proceedings should not be initiated against him. He further submits that relevant documents have not been annexed with the show cause notice as a result of which he was not able to reply.

I have heard learned counsel for the petitioner.

So far as the issuance of notice of Annexure P-7 is concerned it is open to the petitioner to file reply to the charges mentioned in the said notice. Admittedly the petitioner has been promoted to the post of Dy. Director on adhoc basis but it is not the case of the petitioner that he was not considered for regular promotion to the post of Dy. Director or that he has been superseded.

Thus, the instant petition in the present form is devoid of substance and the same deserves to be dismissed at the admission stage itself and is accordingly dismissed.

Sd/-
Dhirendra Mishra
Judge